



#E1-1888

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

OCT 24 2005

Mr. Michael J. Barron, Jr.
Counsel for Illinois Central Railroad Company
Fletcher & Sippel, LLC
29 North Wacker Drive, Suite 920
Chicago, Illinois 60606-2832

Dear Mr. Barron:

Thank you for your April 7 and October 5, 2005, letters concerning the proposed Illinois Central Railroad Company's (IC) railroad abandonment (AB-43: Sub-No 176X) in Flowood, Rankin County, Mississippi. You requested information from us regarding potential contamination of the right-of-way (ROW) and need for Section 402 (Clean Water Act) permit for the 1.52-mile long rail line of concern located between MP 70.20 and MP 71.72

The U.S. Environmental Protection Agency (EPA) typically does not comment on proposed railroad abandonment actions since environmental impacts are generally minimal (however, if the railroad company has determined substantive impacts, we would appreciate coordination with us). In this case, you have emphasized that the Surface Transportation Board (STB) has directed IC to coordinate with us regarding contamination and permitting concerns as part of the IC Environmental Report and STB Environmental Assessment process.

In general, unless the proposed railroad abandonment would have substantive water quality, wetland, air quality, endangered species, noise, hazardous waste or other impacts, EPA would not expect to have objections to its implementation. However, all construction staging areas for the abandonment work should be sited outside of Waters of the United States such as wetlands or streams, and should be restored after project completion. If residences are located near the line, any noisy construction work should be limited to weekdays during daytime hours to the extent feasible. Overall, the abandonment work must also be in compliance with all federal and state laws and regulations, as well as any local ordinances. We additionally suggest that all removed rails be recycled and that the railroad corridor be allowed to naturally revegetate or be reused for approved linear or recreational projects.

Specific to your ROW contamination and Section 402 permitting concerns, any past petroleum or other chemical spills along the line should be coordinated with the State of Mississippi and EPA Region 4, and cleaned up accordingly. Due to their creosote treatment, removed railroad ties should also be properly disposed and should not be burned. Abandonment construction along the ROW should be covered by a stormwater National Pollutant Discharge Elimination System (NPDES) permit consistent with any State requirements. NPDES permitting for point source discharges is usually required if five (5) or more acres of land are disturbed. As

you are aware, EPA has authorized the State of Mississippi to administer the NPDES Permit Program with EPA oversight. We therefore suggest your coordination with the State. However, even if a stormwater NPDES permit is not required, EPA recommends that any point source discharge or non-point source runoff from the exposed rail bed be controlled, particularly at any line crossings of streams and other waterbodies.

We appreciate your desire to protect and preserve the environment and hope you find this information helpful. If we may be of further assistance, please contact Chris Hoberg at 404/562-9619.

Sincerely,

A handwritten signature in black ink, reading "Russell L. Wright, Jr." with a stylized flourish at the end.

Russell L. Wright, Jr.
ARA and Division Director
Office of Policy and Management